

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 21 and 41 stand rejected under 35 U.S.C. §102(b) in view of "Telling Humans and Computers Apart (Automatically) or How Lazy Cryptographers do AI" by von Ahn, et al. ("*von Ahn*").

Claims 22-25, 27, 28, 42-44, and 47-50 stand rejected under 35 U.S.C. §103(a) in view of *von Ahn* and U.S. Patent No. 6,712,615 of *Martin* ("*Martin*").

Claims 29, 46, and 51 stand rejected under 35 U.S.C. §103(a) in view of *von Ahn* and a United States Code section.

Claim 26 stands rejected under 35 U.S.C. §103(a) in view of *von Ahn* and *Martin* and U.S. Patent No. 7,055,823 of *Denkewicz* ("*Denkewicz*").

Claims 1-46 are cancelled.

New claims 52-70 are added.

Applicant submits that claims 47-51 are not obvious in view of *von Ahn* and *Martin* because *von Ahn* and *Martin* do not disclose or suggest using a response time to determine whether a question was answered by a human being as claimed in amended claim 47 from which claims 48-51 depend. Instead, *von Ahn* examines an answer to a question to determine whether the question was answered by a human being (*von Ahn*, page 1, second paragraph) and *Martin* assumes that all responses are provided by human beings. *Martin* only measures the response time of human beings ("examinees" who "press the correct keys" on a computer, *Martin*, col. 1, lines 20-36). *Martin* teaches determining whether a quick response time is a result of a human being anticipating when to respond ("people with disabilities" who "anticipate," *Martin*, col. 12, lines 2-6) or a result of a lucky guess by a human being ("lucky responses occasionally occur when users start pressing the correct key even before a signal has been presented," *Martin*, col. 19, lines 50-52) but these are still measurements of response times of human beings and not a

determination of whether a response time to a question indicates that the question was not answered by a human being as claimed in amended claim 47. People with disabilities who anticipate and press a key and users who make lucky guesses as taught by *Martin* are clearly human beings even if they provide quicker than normal responses.

Applicant submits that new claims 52-64 are not anticipated or obvious in view of any of, or any combination of, the references cited by the examiner because none of the references cited by the examiner disclose or suggest generating a communication that poses a question that is selected to exercise a capability of a human being to perform common sense reasoning with respect to a capability of an object represented in the communication as claimed in new claim 52 from which claims 53-64 depend. The examiner has stated that the Bongo captchas on page 3 of *von Ahn* require the use of common sense reasoning with respect to a set of displayed images. (Pages 2-3, Office Action, 8-1-07). It is respectfully submitted, however, that *von Ahn* teaches that Bongo poses a "visual pattern recognition problem" (*von Ahn*, page 3, line 2) rather than a common sense reasoning problem as claimed in new claim 52. Even if, for the sake of argument, visual pattern recognition as taught by *van Ahn* were to be regarded as common sense reasoning it is not common sense reasoning with respect to a capability of an object represented in the communication as claimed in new claim 52. Instead, the visual pattern recognition as taught by *von Ahn* pertains to patterns contained in images (*von Ahn*, page 3) rather than a capability of an object depicted in an image as claimed in new claim 52. The images of *von Ahn* do not depict an object having a capability as claimed in new claim 52. Instead, the images of *von Ahn* are geometric shapes to be used in a pattern matching problem.

New claims 54-56 include the additional limitation of common sense reasoning with respect to a capability of a living

thing. *von Ahn* discloses a living thing, a horse, (*von Ahn*, page 4, line 3) but does not ask for common sense reasoning with respect to a capability of the horse, e.g. can this fly? (See page, lines of Applicant's specification). Instead, *von Ahn* asks that the horse be identified as a horse. ("What are these pictures of?" *von Ahn*, page 4, line 5). The examiner has stated that Figure 5 of *Denkewicz* displays a question pertaining to a capability of a living thing. (Page 7, Office Action, 8-1-07). It is respectfully submitted that Figure 5 of *Denkewicz* does not pose a question that calls for common sense reasoning with respect to a capability of a living thing as claimed in new claim 54. Instead, Figure 5 of *Denkewicz* displays an "AMAZING FACT" (Figure 5 of *Denkewicz*) or "trivial information" (*Denkewicz*, col. 2, line 45) pertaining to a living thing (a bird). It is submitted that amazing facts or trivial information as taught by *Denkewicz* does not anticipate common sense as claimed in new claim 54. Amazing facts or trivial information is not commonly held by human beings or they would not be amazing facts or trivial information. It is further submitted that one of skill in the art would not combine *Denkewicz* with *von Ahn* because the amazing or trivial facts of *Denkewicz* would exclude large numbers of real human users from passing the human tests disclosed by *von Ahn* and defeat the whole purpose in *von Ahn* of telling humans and computer apart.

New claims 57-59 include the additional limitation of common sense reasoning with respect to a capability of an inanimate object. *von Ahn* discloses an inanimate object, a table, (*von Ahn*, page 4, line 3) but does not ask for common sense reasoning with respect to a capability of the table. Instead, *von Ahn* asks that the table be identified as a table. ("What are these pictures of?" *von Ahn*, page 4, line 5).

New claim 62 includes the additional limitation of a question that is selected to exercise a capability of a human being to parse spoken speech. None of the references cited by

the examiner teach or suggest this limitation.

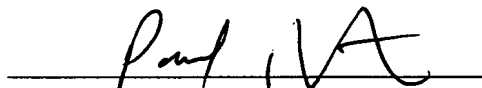
Applicant submits that new claims 65-70 are not anticipated or obvious in view of any of, or any combination of, the references cited by the examiner. New claim 65 from which claims 66-70 depend includes limitations similar to the limitations of new claim 52. Therefore, the remarks stated above with respect to new claims 52 also apply to new claims 65-70.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

Respectfully submitted,

Date: 11-1-07

By:

A handwritten signature in dark ink, appearing to read "Paul H. Horstmann", is written over a horizontal line.

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